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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/649,838

08/28/2003

Takashi Yamada

325772032900

7149

25227 7590 02/27/2007  
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EXAMINER

GRAINGER, QUANA MASHELL

ART UNIT

PAPER NUMBER

2852

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/27/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/649,838

Applicant(s)

YAMADA, TAKASHI

Examiner

Quana M. Grainger

Art Unit

2852

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6,9,11-13,15 and 16 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 7,8,10 and 14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 9, 11, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Okuda (applicant cited JP09-329982A). The electric apparatus by Okuda comprises: a power supply unit that has terminals to supply power to a circuit board; and a circuit board that can be mounted to said power supply unit using at least two different mounting orientations and can change the current path depending on the orientation with which it is mounted (abstract). The power consumed by said circuit board can be changed depending on the direction in which it is mounted to said power supply unit (figures 1, 4). The power consumed by said circuit board can be maintained at a constant level by changing the orientation in which said circuit board is mounted to said power supply unit based on the voltage impressed by said power supply unit to said circuit board (abstract; figures 1, 4).

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3. Claims 1-5, 9, 11-13, and 15-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Tagashira (applicant cited JP07-142148A). The electric apparatus by Tagashira comprises: a power supply unit that has terminals to supply power to a circuit board; and a circuit board that can be mounted to said power supply unit using at least two different mounting orientations and can change the current path depending on the orientation with which it is mounted (abstract).

The power consumed by said circuit board can be changed depending on the direction in which it is mounted to said power supply unit (figures 1, 4). The power consumed by said circuit board can be maintained at a constant level by changing the orientation in which said circuit board is mounted to said power supply unit based on the voltage impressed by said power supply unit to said circuit board (abstract; figures 1, 4). The output of the heater can be maintained at a constant level by changing the orientation in which said circuit board is mounted to said power supply unit based on the voltage impressed by said power supply unit to said circuit board.

The heater includes two heating elements, such that the connection between the two heating elements may be switched between series connection and parallel connection by changing the orientation in which said circuit board is mounted to said power supply unit. The output of the heater can be changed depending on the direction in which it is mounted to said power supply unit (abstract). The circuit board includes a plurality of connection points at which said circuit board is connected to said power supply unit, and two circuit elements that are installed between the connection points, such that the connection between the two circuit elements may be switched between series connection and parallel connection by changing the orientation in which said circuit board is mounted to said power supply unit (abstract).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tagashira.

Tagashira does not teach an inductive heating element. The examiner takes official notice that it is known in the art to use an inductive heating element in a fixing device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Tagashira with an inductive heating element to obtain a heater capable of being used in common in response to power supplies with different voltages (abstract: lines 1-5).

***Allowable Subject Matter***

7. Claims 7-8, 10, and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

8. Applicant's arguments filed 11-13-2006 have been fully considered but they are not persuasive. Applicant argues that according to MPEP section 706.02 II (see p. 700-22 of the Eighth Edition, Revision 3, August 2005), when an English-language abstract of a foreign language reference is used to support a rejection, "citation of and reliance upon an abstract without citation of and reliance upon the underlying scientific document is generally inappropriate when both the abstract and the underlying document are prior art. Section 706.02 II further states that when the underlying scientific document is relied upon and is in a language other than English, a translation must be obtained so that the record is clear as to the precise facts the examiner is relying on. However, the references relied upon are references cited by applicant. Applicant chose to include the references in their foreign form on his informational disclosure statement and those references were used in the rejection.

Applicant argues that a circuit board that can be mounted to a power supply unit using at least two different orientations. The current path can be changed depending on the orientation of the circuit board mounting. The claimed mounting "orientations" are illustrated in Figures 6 and 7, and discussed in paragraphs [0062] - [0072]. Applicant's disclosure makes clear that the claimed mounting orientation refers to the position of the circuit board, rather than alternate electrical connections running to a number of circuit boards. However, the figures and the specification do not limit the mounting orientations. All claimed subject matter must be clearly shown. Applicant does not shown plural mounting orientation for the circuit board to a power supply. A power supply is not shown.

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Applicant argues that neither Okuda nor Tagashira teaches two different mounting orientations for a circuit board. Both teach two different mounting orientations for a circuit board just as the specification and the drawing teach two different mounting orientations for a circuit board in the instant invention.

The claims remain rejected as discussed above. If applicant persists in his arguments, then he'll need to provide new drawings.

***Contact Information***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana M. Grainger whose telephone number is 571-272-2135. The examiner can normally be reached on 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on 571-272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Quana M Grainger', with a stylized, flowing script.

Quana M Grainger  
Primary Examiner  
Art Unit 2852

QG